

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

CHRISTINE MIKALSON, an individual,

Plaintiff,

v.

WHITMAN COUNTY, a Washington County;
EUNICE COKER, an individual,

Defendants.

CASE NO. 2:18-cv-00141

COMPLAINT

JURY DEMAND

I. STATEMENT OF THE CASE

Plaintiff Christine Mikalson, sues the Defendants, Whitman County and Eunice Coker, for violations of the federal and state family and medical leave laws, disability discrimination and retaliation for the exercise of rights protected under federal and state law.

II. PARTIES, JURISDICTION AND VENUE

2.1 Plaintiff Christine Mikalson is an individual residing in Whitman County, Washington and a former employee of Defendants.

1 2.2 Defendant Whitman County is a Washington County pursuant to RCW Chapter
2 36.01.

3 2.3 Defendant Whitman County is an “employer” within the meaning of all applicable
4 federal and state laws.

5 2.4 Defendant Eunice Coker is an individual believed to be a resident of Whitman
6 County, Washington.

7 2.5 This Court has jurisdiction over the federal law claims pursuant to 28 U.S.C. §
8 1331, and over the state law claims pursuant to 28 U.S.C. § 1367(a).

9 2.6 Venue lies within the Eastern District of Washington under 28 U.S.C. §1391(b) as
10 all parties reside within the State of Washington and this judicial district, and the events underlying
11 this complaint occurred within the State of Washington and this judicial district.

12 2.7 Plaintiff has completed all prerequisites to suit, including the filing of a tort claim
13 pursuant to RCW 4.96, to which Defendant Whitman County did not respond.
14
15

16 17 **III. FACTUAL ALLEGATIONS**

18 3.1 Plaintiff Christine Mikalson was an employee of Whitman County (“County”) for
19 approximately 23 years.

20 3.2 At all times relevant to the complaint, Defendant Eunice Coker was the County
21 Auditor, Ms. Mikalson’s supervisor and Ms. Mikalson’s appointing authority.

22 3.3 As Whitman County’s auditor, Ms. Coker has a record of election and financial
23 mismanagement, ballot irregularities, audit failures, discriminatory behavior and politically
24 partisan efforts to alter the outcome of statewide elections including the Gregoire-Rossi recount.

25 3.4 As a result of Ms. Coker’s mismanagement of County resources and favoritism
26

1 towards employees that are incompetent and/or corrupt, the County has suffered from financial
2 losses, security breaches, negative reputational impacts, and a lower credit rating resulting in an
3 inability or limited ability to obtain finances.

4 3.5 Ms. Mikalson sought to address and remedy these issues by complaining to County
5 human resources, County officials, her union representatives, external agencies including the
6 Equal Employment Opportunity Commission, the Washington State Department of Labor and
7 Industries, and the Washington State Democratic Party.
8

9 3.6 As Ms. Mikalson undertook these efforts to correct what she recognized as Ms.
10 Coker's disregard for the law, unethical behavior, favoritism and discriminatory behavior, Ms.
11 Coker began a ruthless campaign of discrimination and retaliation against Ms. Mikalson.

12 3.7 Ms. Mikalson has two daughters who are disabled and in need of ongoing medical
13 care.
14

15 3.8 Ms. Mikalson informed Ms. Coker and the County of her need for ongoing,
16 intermittent family and medical leave to care for her disabled daughters.

17 3.9 At all times relevant to the complaint, Ms. Mikalson was eligible for family and
18 medical leave under the Family and Medical Leave Act and the Washington State Family and
19 Medical Leave Act.
20

21 3.10 At all times relevant to the complaint, Ms. Mikalson's daughters had serious health
22 conditions within the meaning of the federal and/or state family and medical leave laws.

23 3.11 Ms. Mikalson complied with all requirements necessary to exercise her right to
24 take family and medical leave to care for her daughters with serious health conditions.

25 3.12 Nevertheless, Ms. Coker refused to acknowledge that Ms. Mikalson had a
26 legitimate need for family and medical leave.

1 3.13 Ms. Coker consistently and repeatedly denied Ms. Mikalson necessary leave,
2 intimidated, demeaned, belittled and harassed Ms. Mikalson for exercising her right to take such
3 leave, questioned Ms. Mikalson's integrity, told others that Ms. Mikalson was abusing leave, told
4 others that Ms. Mikalson was under investigation for fraud, humiliated Ms. Mikalson for her use
5 of leave, and repeatedly demanded supporting documentation supporting the need for leave after
6 such documentation had already been provided.
7

8 3.14 Ms. Coker continued to take these actions even after County human resource
9 representatives, legal representatives and independent third-party investigators told Ms. Coker that
10 she should no longer deprive, intimidate, harass, interrogate or otherwise interfere with Ms.
11 Mikalson's lawful right to take protected family and medical leave.

12 3.15 Ms. Mikalson repeatedly complained to County representatives, third parties and
13 federal and state agencies regarding Ms. Coker's ongoing harassment, discrimination and
14 retaliation.
15

16 3.16 The County did nothing—nothing—to respond to Ms. Mikalson's complaints.

17 3.17 Emboldened by the lack of any County response to Ms. Mikalson's complaints,
18 Ms. Coker increased her campaign of intimidation and harassment against Ms. Mikalson.

19 3.18 Ms. Coker directed Ms. Mikalson's co-workers to begin surveilling Ms. Mikalson
20 in the workplace and Ms. Coker tarnished Ms. Mikalson's reputation in the community by making
21 false and defamatory statements about her to others, including community leaders.
22

23 3.19 As a result of Ms. Coker's campaign against Ms. Mikalson and the County's failure
24 to respond adequately to protect Ms. Mikalson, Ms. Mikalson's daughters suffered a delay in
25 medical care that they needed, Ms. Mikalson suffered ongoing pain and suffering and emotional
26 distress, and ultimately was unable to continue her employment with the County.

IV. FIRST CAUSE OF ACTION
Violations of the Family and Medical Leave Act
29 U.S.C. § 2615

4.1 Plaintiff realleges paragraphs 1.1 through 3.19 as though fully set forth herein.

4.2 Defendants' actions and/or omissions constitute interference and/or discrimination in violation of the Family and Medical Leave Act, 29 U.S.C. § 2615.

4.3 As a result of Defendants' violations, Plaintiff has been damaged in an amount to be proven at trial.

V. SECOND CAUSE OF ACTION
Violations of the Washington Family and Medical Leave Act
RCW 49.78.300

5.1 Plaintiff realleges paragraphs 1.1 through 4.3 as though fully set forth herein.

5.2 Defendants' actions and/or omissions constitute interference and/or discrimination in violation of the Washington Family and Medical Leave Act, RCW 49.78.300.

5.3 As a result of Defendants' violations, Plaintiff has been damaged in an amount to be proven at trial.

VI. THIRD CAUSE OF ACTION
Retaliation
42 U.S.C. § 2000e-3

6.1 Plaintiff realleges paragraphs 1.1 through 5.3 as though fully set forth herein.

6.2 Defendants' actions and/or omissions constitute retaliation for filing charges of discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-3.

1 6.3 As a result of Defendants' violations, Plaintiff has been damaged in an amount to
2 be proven at trial.

3
4 **VII. FOURTH CAUSE OF ACTION**
5 **Retaliation**
6 **RCW 49.60.210**

7 7.1 Plaintiff realleges paragraphs 1.1 through 6.3 as though fully set forth herein.

8 7.2 Defendants' actions and/or omissions constitute retaliation for filing charges of
9 discrimination in violation of RCW 49.60.210.

10 7.3 As a result of Defendants' violations, Plaintiff has been damaged in an amount to
11 be proven at trial.

12
13 **VIII. FIFTH CAUSE OF ACTION**
14 **Defamation**

15 8.1 Plaintiff realleges paragraphs 1.1 through 7.3 as though fully set forth herein.

16 8.2 Defendants' actions and/or omissions constitute defamation.

17 8.3 As a result of Defendants' violations, Plaintiff has been damaged in an amount to
18 be proven at trial.

19
20 **JURY DEMAND**

21 Plaintiff hereby demands a trial by jury.

22
23 **PRAYER FOR RELIEF**

24 WHEREFORE, the Plaintiff respectfully requests that this Court grant the following relief
25 as against Defendants:
26

1 1. An order declaring that Defendants have violated Plaintiff's federal and state law
2 rights by interfering with, discrimination and/or retaliating against her for exercising her right to
3 take protected family and medical leave;

4 2. An order awarding general, special and/or statutory damages to Plaintiff in an
5 amount to be proven at trial;

6 3. An order granting Plaintiff an award of liquidated damages in an amount to be
7 proven at trial pursuant to 29 U.S.C. § 2617 and/or 42 U.S.C. 2000e-5;

8 4. An award of attorney's fees and costs in an amount to be proven at trial pursuant to
9 29 U.S.C. § 2617, 42 U.S.C. 2000e-5, RCW 49.60.030, RCW 49.48.030, and/or RCW 49.52.070;
10 and
11

12 5. Such other and further relief as the Court deems just and equitable.

13 RESPECTFULLY SUBMITTED this 5th day of May, 2018.
14
15
16

17 By: /s/ Spencer Nathan Thal
18 Spencer Nathan Thal, WSBA 20074
19 Vanguard Law, PLLC
20 PO Box 939
21 Poulsbo WA 98370
22 Telephone: (206) 488-8344
23 Facsimile: (360) 626-1919
24 Email: spencer@vanguardlawfirm.com
25 Attorney for Plaintiff
26